

## **FACDQ Implementation Issues to Date**

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### **Timeline to Implement FAC Recommendations:**

- Dec. 2007      FACDQ consensus report on approach(es) and uses
- Confirmatory testing of consensus approach(es)
- Dec. 2008      Proposed rule. Assuming a FACDQ recommendation that EPA accepts, propose to amend
- Part 136 (Analytical Methods) to add new approach(es).
  - Part 122 (EPA Administered Permit Programs: The National Pollutant Discharge Elimination System) to add uses provisions.
- Dec. 2009      Final rule. All DLs and QLs promulgated after this date would be required to use the new approach(es). All previously promulgated MDLs or MLs would still be valid unless re-promulgated using the new approach(es). Preamble to this final rule could contain guidance to stakeholders or it could be a separate document issued at the same time.

### **Issues for FACDQ:**

1.      What should the confirmatory testing of the consensus approach(es) look like?
2.      Are individual members of FACDQ agreeing not to adversely comment on a proposed rule if they come to consensus and EPA proposes that consensus?
3.      Once the rule is issued in Dec. 2009, what are the  $DL_{nat}$  and the  $QL_{nat}$  for uses purposes? Can it be the existing MDL and/or ML until amended through subsequent rulemaking using the new approach(es)? If not, then how does the program function without national benchmarks for some Part 136 methods? Even if we use the existing MDLs and MLs, many methods do not currently have MDLs and MLs. What if the most sensitive/appropriate methods do not have a  $DL_{nat}$  or  $QL_{nat}$  but a less sensitive/appropriate method does?
4.      Should EPA create a Part 136 table of  $QL_{nat}$ s for each analyte? How should the table be structured?
5.      Should the FACDQ recommend to EPA a priority list of current Part 136 analytical methods and or analytes for which DLs and QLs will be calculated using the new approach(es)? After calculation, each of the revisions will be added to Part 136 after rulemaking.

6. Should EPA use a more streamlined approach for calculating new DLs and QLs such as using its own data and data from other labs? How will EPA know that such other lab data exists, and how will EPA ensure its quality? Currently EPA contracts for data from 6-9 labs at considerable expense.
7. Should  $DL_{nat}$  and  $QL_{nat}$  be required of all methods in Part 136, including all non-EPA methods, including ATPs? There is concern that this will create a barrier to the development of non-EPA methods. If these national benchmarks are not created, how will the uses provisions function? Will permitting authorities then tend to use only EPA methods?
8. Should the GLI guidance on how to censor data be amended to reflect the recommendations of the FACDQ?
9. How do you address existing methods that do not have MLs in Part 136?
10. How do we justify grandfathering DLs and QLs from existing methods that are technologically not as advanced as newer methods?
11. Others?